

Message

From: David A. Ludder [davidaludder@enviro-lawyer.com]
Sent: 2/25/2019 2:27:41 PM
To: Lance LeFleur [director@adem.alabama.gov]
CC: Jones, Azure [AJones@adem.alabama.gov]; Sibley, Shawn S [SSibley@adem.alabama.gov]
Subject: Extension of Public Comment Period on City of Dothan Landfill Permit

Dear Mr. LeFleur:

I received the email below from Shawn Sibley in ADEM's Office of General Counsel regarding a request for public records relating to ADEM's proposed permit for the City of Dothan Sanitary Landfill that has been pending for 60 days now. The public hearing on the proposed permit is scheduled for Feb. 28 and the close of the comment period is scheduled for Mar. 7.

Although I appreciate the burden the Land Division is under ("processing and continues to process/receive numerous public comments, data, documents, inquiries, etc., some of which include hundreds, if not thousands, of pages"), priority should be given to responding to inquiries from the public about any proposed permits with comment submission deadlines. This is especially important where the impacted community is comprised of a class protected by Title VI of the Civil Rights Act Act of 1964 that requires enhanced public participation efforts by ADEM. Although the representation is made that "Public documents related to your request are being uploaded to the Department's eFile public document system as soon as practicable," I note that only three documents (unrelated to my request) have been uploaded to eFile since December 18, 2018.

Given the difficulty that the Land Division is having responding to my (and perhaps other) requests for public records concerning the proposed permit for the City of Dothan Sanitary Landfill, I request that the comment period on the proposed permit be extended for an additional 30 days to allow time for the Land Division to provide all requested records and for the public to review those records and prepare and submit comments.

David

David A. Ludder
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***"The answer to injustice is not to silence the critic
 but to end the injustice."***

- Paul Robeson, *If Enough People Write Washington I'll Get My Passport in a Hurry*, Freedom (July-August 1955), at 2.

----- Original Message -----

From: "Sibley, Shawn S" <SSibley@adem.alabama.gov>
To: "David A. Ludder" <davidaludder@enviro-lawyer.com>
Cc: "Jones, Azure" <AJones@adem.alabama.gov>
Sent: 2/22/2019 5:17:18 PM
Subject: RE: FW: Records Request

David,

As you acknowledge below and in your response to me on January 11, 2019, this permitting action is ongoing. The Land Division is processing and continues to process/receive numerous public comments, data, documents, inquiries, etc., some of which include hundreds, if not thousands, of pages. Public documents related to your request are being uploaded to the Department's eFile public document system as soon as practicable. Please call me if you would like to discuss further.

Best Regards, - Shawn

S. Shawn Sibley
Office of General Counsel
Alabama Department of Environmental Management
Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 260-4544 (Phone/Fax)
ssibley@adem.alabama.gov



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From: David A. Ludder <davidaludder@enviro-lawyer.com>
Sent: Friday, February 22, 2019 6:41 AM
To: Sibley, Shawn S <SSibley@adem.alabama.gov>
Subject: Re: FW: Records Request

Shawn:

The records requested below have not been provided. Its been 57 days since the request was submitted. The public hearing on the proposed Dothan Landfill permit is Feb 28. My clients need the records now so that they have time to investigate compliance with ADEM rules and prepare comments for the hearing.

David

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From: "Sibley, Shawn S" <SSibley@adem.alabama.gov>
To: "David A. Ludder" <davidaludder@enviro-lawyer.com>
Cc: "Jones, Azure" <AJones@adem.alabama.gov>
Sent: 1/11/2019 5:08:23 PM
Subject: FW: Records Request

David, Is this for the most recent permitting action? Thanks, - Shawn

S. Shawn Sibley
Office of General Counsel
Alabama Department of Environmental Management
Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 260-4544 (Phone/Fax)
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From: David A. Ludder <davidaludder@enviro-lawyer.com>
Sent: Thursday, December 27, 2018 12:22 PM
To: Records Review <records@adem.alabama.gov>
Subject: Records Request

Please send all documents showing that adjacent landowners were sent and received a copy of the public notice for the City of Dothan Sanitary Landfill permit.

David

David A. Ludder
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